

4865. Adulteration of pork and beans. U. S. * * * v. 943 Cases of Canned Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered sold under bond. (F. & D. Nos. 6622, 6623, 6624. I. S. Nos. 14300-k, 15801-k, 15802-k, 15803-k, 15804-k, 15805-k, 15806-k, 15807-k. S. No. C-250.)

On June 18, 1915, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 943 cases of canned pork and beans remaining unsold in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped on March 29, 1915, by the Eavey Packing Co., Xenia, Ohio, and transported from the State of Ohio into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. Two hundred and thirty-five of the cases were labeled: "Two Doz. No. 2 $\frac{1}{4}$ Sunburst Pork and Beans with Tomato Sauce." The cans in this case were labeled: "Sunburst Brand Pork and Beans with Tomato Sauce" ("contents 1 lb, 14 oz" crossed out and stamped on label "1 lb, 12 Oz."). Eighty-eight of the cases and the cans therein were labeled: "Sunburst Brand Pork and Beans with Tomato Sauce" ("contents 10 Oz." crossed out and stamped in red "contents 8 oz."). One hundred and sixty-nine cases and the cans therein were labeled: "Sailing Brand Pork and Beans with Tomato Sauce, contents 1 Lb. 12 Oz." Thirty-two of the cases and the cans therein were labeled: "Sailing Brand Pork and Beans with Tomato Sauce, contents 8 Oz." Seventy-two of the cases and cans contained therein were labeled: "Snowman's Brand Pork and Beans with Tomato Sauce, contents 1 lb. 12 oz". Sixteen of the cases and the cans contained therein were labeled: "Snowman Brand Pork and Beans with Tomato Sauce, contents 8 oz." One hundred and fifty nine of the cases and the cans contained therein were labeled: "Our Favorite Brand Pork and Beans with Tomato Sauce, guaranteed to comply with all Pure Food laws, contents 1 lb, 12 oz." Sixty-seven of the cases and the cans therein were labeled: "Our Favorite Brand Pork and Beans with Tomato Sauce, contents 8 oz." Thirty of the cases were labeled: "# 0 'King Bee' beans." Fifty-five of the cases were labeled: "2 $\frac{1}{4}$ 'King Bee' beans."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance.

On June 28, 1916, the said Eavey Packing Co., having claimed the article, but having made no answer or defense to the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the claimant company should be assessed with all the costs of the proceedings. On July 14, 1916, the former decree was set aside, and it was ordered by the court that the product might be sold by the United States marshal, and that the purchaser should give bond in the sum of \$500, conditioned that the product should be used solely for the purpose of food for hogs.

CARL VROOMAN, *Acting Secretary of Agriculture.*